

**STATE OF ILLINOIS
ILLINOIS COMMERCE COMMISSION**

Illinois Commerce Commission,)	
On Its Own Motion)	
)	
Investigation into the Customer)	ICC Docket No. 15-0073
Authorization Required for Access by)	
Third Parties Other Than Retail Electric)	
Suppliers to Advanced Metering)	
Infrastructure Interval Meter Data)	

ELEVATE ENERGY’S VERIFIED FINAL COMMENTS

In ICC Docket 15-0073, the Illinois Commerce Commission (“Commission” or “ICC”) “seeks to investigate the need for, and form of, customer authorization required for access by third parties, other than Retail Electric Suppliers (‘RES’), to Advanced Metering Infrastructure (‘AMI’) interval meter data.” (Initiating Order at 1) Elevate Energy is submitting these comments using the common outline agreed upon informally by parties.

I. Authorization

a. Standard Language

Parties have come to consensus that there is a need for Commission direction on, and approval of, standard authorization language for non-RES third parties to use in acquiring customer data. The parties have workshopped variations in said language but were unable to come to agreement. To summarize its position, Elevate Energy does not take issue with the foundational language derived from Docket No. 14-0701 that several parties have cited to over the course of this proceeding. Elevate suggests that the term and purpose be left open to customization per the

needs of each individual customer agreement and offers the following language for consideration:

I, [CUSTOMER NAME] understand that [NAME OF THIRD PARTY] seeks access to my electricity usage information, and hereby authorize [UTILITY] to provide my electricity usage information collected from my electric meter to [NAME OF THIRD PARTY] for the purposes of [PURPOSE]. This electricity usage information includes my electricity usage levels for distinct time periods no longer than 60 minutes to the extent this information has been recorded and retained by [UTILITY].

I understand that [NAME OF THIRD PARTY] will use my electricity usage information solely for the purpose described here, and that [NAME OF THIRD PARTY], will not sell or license my electricity usage information to any other party for any other purpose, provided that it may share my electricity usage data with an affiliate or contracted vendor if that is necessary for the purpose described here.

I authorize [NAME OF THIRD PARTY] to access my usage information for the previous 24 months as well as [TERM] future months. I understand that I may revoke this authorization at any time by contacting [UTILITY] or [NAME OF THIRD PARTY]. This authorization to access and use my electricity usage information will expire (a) after [TERM] months after this authorization is executed, (b) upon notification to [UTILITY] by [NAME OF THIRD PARTY] that it no longer seeks access to my electricity usage information or (c) upon notification to [UTILITY] by me or by [NAME OF THIRD PARTY] that I have revoked [NAME OF THIRD PARTY]'s authorization to access my usage information.

Additionally, Elevate does not take issue with including specific contact information for a representative at both the utility and the non-RES third party, as well as the Consumer Services Division at the Commission if that is identified as a priority by other parties.

Elevate would like to raise its concern with having separate forms containing authorization language that is vastly similar, but differentiated based on whether a warrant or direct customer-to-utility process is employed. As a practical matter, it would be difficult for program providers that use both warrant and direct customer-to-utility authorization processes to ensure that their staff is always presenting customers with the correct form. Elevate anticipates that customers

accepting of a warrant process would also want to maintain the ability to contact their utility directly to revoke their authorization, and should be able to do so without having to fill out another form. Similarly, a customer relying on direct authorization may appreciate having the option of revoking their authorization by contacting either the utility or the third-party service provider. Elevate would recommend inserting language (see underlined portion above) that authorizes the non-RES third party or the customer to contact the utility; a line that can be removed if the customer is not in fact authorizing the use of a warrant process. This would result in a single authorization form that could be used by program providers who use both processes to gain access to customer data.

b. Specification of Purpose

Elevate Energy supports the inclusion of a description of the purpose for which the non-RES third party seeks to acquire data in the authorization form. This additional information may help to alleviate the potential for customer confusion and reduce the risk of bad actors. Elevate would like to note that the purpose will be unique to each program, and flexibility should be left for third parties to craft this language as they see fit to best describe their particular needs.

c. 24 Months Historical Data

The utilities are currently mandated to respond to customer disputes made within two years of the date on which the service or commodity in question was provided, thus establishing the need for two years of customer usage data in order to properly respond to any complaints made regarding that period of time. (220 ILCS 5/9-252) As such, the utilities have designed integral systems to support the amount of data generated within this timeframe. Elevate Energy understands the complications and expense that would arise from having to maintain databases storing more than 24 months of historical data and takes no opposition to non-RES third parties

only being able to access the 24 months as stored by the utility. Elevate would simply like to clarify that non-RES third parties always have access to a full 24 months of historical data at any given time during the authorization period. It is Elevate's understanding that this position is aligned with that of the other parties and that it should present no complications.

d. Cap on Future Authorization Period

Elevate continues to advocate for a future authorization timeline of longer than two years. As stated in its Initial and Reply Comments (Elevate IC at 4-5; Elevate RC at 3-5) energy efficiency programs, especially building retrofits of the kind it performs, require longer than two years to complete and rely heavily on access to post-retrofit data. Elevate argues that the longer the allowable authorization period the better for all parties involved. An extended authorization period (1) removes the burden on the customer to reconfirm their consent; (2) reduces costs and employee resources associated with updating authorization information for the utilities; and (3) ensures uninterrupted access to data for the non-RES third party to use in successfully implementing its program(s).

In support of its position, Elevate previously described the length of a common retrofit process and identified the need for access to six years of customer energy data (two years historical and four years forward looking). This example was meant to illustrate the critical need for access to more than two years of forward looking data, and to serve as a compromise between the utilities' demand for a shorter authorization period and Elevate's original preference for an indefinite period. Because Elevate understands it to be the argument of the utilities that a specific contract end date is required in order to enter an authorization into its system, it is no longer arguing for an indefinite period. However, it would like to make clear that while four years of forward

looking data (as presented in its example) is certainly better than two, the preference would be for the longest authorization period deemed acceptable by the Commission. A significant portion of Elevate's ongoing work requires more than the six years of data illustrated in its example, and all of its programming could benefit greatly from more information gathered over longer periods of time. As discussed in CNT Energy's¹ Initial Comments in Docket No. 13-0506, post-retrofit savings analysis is one of the key selling points of its efficiency services and the more data it is able to acquire in the years following installation of the upgrades, the more valuable that analysis will be. (Docket 13-0506, CNT Energy IC at 11)

Research is an additional, albeit broad, example of a long-term endeavor that is dependent on access to large amounts of data over time. Examples of projects requiring access to data over long periods of time include housing characterization studies, which help identify the types of homes that benefit most from particular efficiency measures; research on the effect of benchmarking ordinances on energy use over time; and research on the effects of particular efficiency measures to foster general program improvement. These types of activities are not unique to Elevate Energy and tend to benefit wide swaths of customers and industry stakeholders alike. Restricting access to data to two year periods increases the likelihood of interruptions in the flow of information and the potential for the research to be compromised or rendered useless.

II. Representation of Authorization

a. 3rd Party Warrant Process

Elevate continues to stress the need for a warrant process for non-RES third parties. To clarify, Elevate is not envisioning that this process would be used for authorizing access to one customer

¹ Elevate Energy originated as CNT Energy

account, but would be invoked when multiple customer account authorizations are being requested simultaneously. This process would significantly reduce the primary barrier to implementation that exists with programs requiring access to multiple customer accounts- getting all of those individuals to take action, and to do so in a reasonable timeframe so as to enable the necessary draw of data.

Allowing only direct customer-to-utility authorization has the potential to critically hinder the success of non-RES third party programs. It seems to Elevate that the participants in this proceeding are in agreement that there is a valid need for non-RES third parties to have access to customer data. In that context, restricting the form in which that access is obtained to customer only authorization would undermine the fundamental purpose of the instant proceeding by unnecessarily limiting a third party's access to the data it requires.

In its Reply Comments, Elevate provided several examples of instances in which it foresees relying on a warrant process. (Elevate RC at 6-7) On a day-to-day basis, Elevate's in-house call center receives requests from multiple customers to enroll in the existing dynamic pricing programs offered by ComEd and Ameren. Elevate envisions a similar internal process for authorizations for access to data, but with even higher volume of customer interactions, especially in the first months of implementation of this protocol. If the call center representatives were able to conduct batch enrollments using a warrant process at the end of each day, rather than walking each customer through the process on an individual basis, it would save significant time and resources, as well as increase customer satisfaction.

In addition to those circumstances, there is a long-term project that Elevate is involved in that may be derailed without the ability to employ a warrant. The Value for High Performance Homes Campaign is an effort to utilize data from houses that have been improved with energy efficiency upgrades in order to attribute a value that can be incorporated into a home's selling price or attractiveness as a real estate listing. While consumer demand for energy efficient homes has been increasing over the last decade, energy efficiency is still largely invisible to the real estate market. The intention is to conduct studies to show that high performance homes sell for more money, educate the appraisers, and facilitate population of the Multiple Listing Service (MLS) with efficiency- related data. The more prolific that data becomes, the more likely homeowners are to upgrade their properties with energy saving measures, and the better equipped they are to leverage the value of energy efficiency to obtain financing or increase the appraisal of the home. The key to all of this is the access to as much post-retrofit data as possible in order to support the argument that these homes do in fact sell for more money. If the collection of the integral data for this project is dependent on every homeowner contacting their utility to authorize access to the data, Elevate fears that the timing would not be aligned in such a way as to allow for the robust analysis that is imperative to convincing appraisers, lenders, real estate agents, and ultimately homeowners of the value of energy efficiency in their homes.

b. Customer Authorization Only

Elevate takes no exception to the use of Green Button Connect to enable customers to directly report authorization of access to their data to the utility. Customers should undisputedly have convenient, direct access to their data and the utility throughout the authorization period. In fact, there may be a number of customers who prefer this method over any other available options; however, it is the availability of those other options that Elevate is concerned with. The singular

reliance on Green Button Connect is not sufficient to meet the needs of non-RES third parties requiring access to data, and does not provide sufficient options for customers when completing authorizations.

III. Conclusion

WHEREFORE, Elevate Energy respectfully requests that the Commission consider its recommendations for (1) a future authorization period longer than two years; (2) one set of clear standard authorization language; and (3) use of a warrant process.

Dated: June 24, 2015

Respectfully Submitted,

ELEVATE ENERGY



Anne McKibbin
Policy Director
Elevate Energy
322 S. Green Street, 3rd Floor
Chicago, IL 60607
T: 773-269-2225
Anne.Mckibbin@ElevateEnergy.org